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THE NORTH CAROLINA STATE BAR

Meeting of the Council of the North Carolina State Bar July 14, 1950

The Council of the North Carolina State Bar held its regular quarterly meeting on Friday, July 14, 1950, Justice Building, Raleigh, with the following officers and members present:

Officers:

J. B. James, President, Greenville
A. W. Sapp, First Vice-President, Greensboro
L. J. Poisson, Second Vice-President, Wilmington
E. L. Cannon, Secretary-Treasurer, Raleigh

Councillors:

J. D. Grimes, First District, Washington
Z. V. Norman, Second District, Plymouth
I. R. Williams, Fourth District, Dunn
Albion Dunn, Fifth District, Greenville
I. M. Bailey, Seventh District, Raleigh
Thomas W. Davis, Eighth District, Wilmington
R. P. Reade, Tenth District, Durham
G. H. Hastings, Eleventh District, Winston-Salem
J. F. Spruill, Twelfth District, Lexington
Jennings G. King, Thirteenth District, Laurinburg
J. Laurence Jones, Fourteenth District, Charlotte
H. M. Robins, Fifteenth District, Asheboro
B. F. Williams, Sixteenth District, Lenoir
Kyle Hayes, Seventeenth District, North Wilkesboro
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The meeting was called to order by the President. The minutes of the April meeting were read by the Secretary and approved as read.

The President called for the report of the Executive Committee made by Mr. Jones, the Chairman, showing receipts and disbursements for the quarter ended June 30. The Committee recommended that the Secretary have the auditors make a statement of the delinquent accounts receivable and present the same at the next meeting. The Council discussed the question of delinquent dues and a motion was made that citations be issued by the Secretary to delinquent members to appear before a committee of the Council to show cause why the same had not been paid. Motion was amended to include direction to the Secretary to give notice that motion would be made in the Superior Court by the State Bar to the effect that delinquents not be allowed to practice until compliance was had with the rule as to payment of dues. Further mo-

tion was made that Section 17 be amended to give the Council the authority to cite delinquent attorneys before a Committee of the Council and show cause why the license should not be revoked and further, that the Commissioner of Revenue should refuse to issue Schedule B licenses to those failing to pay the State Bar dues. The first motion was withdrawn and the latter motion was seconded, and amended as to Section 17 to provide that the Legislative Committee be assigned the task of handling any such changes in the law. Motion was adopted.

Mr. Grimes made the report of the Committee on Unauthorized Practice. The Committee reviewed the situation relative to the sending of letters to attorneys for banks and advised the Council of their plan in the future to outline arrangements for meetings in the several districts to study the problems in connection with the activities of trust departments. Motion was made that the Committee continue to study and hold meetings as soon as the program was properly planned. Motion adopted.

Judge Hastings reported that the Ethics Committee had no formal report at this meeting.

Mr. Bailey made the report of the Membership Committee and recommended that Mark S. Dunn of New Bern be notified to file proper petition showing full information. Recommendation was adopted.

Mr. Sapp made the report of the Grievance Committee. The Committee reported on matters before it and various matters under study.

The President called the attention of the Council to the fact that he had been notified of the necessity of an appointment to the General Statutes Commission and that he had appointed the present member to succeed himself as coming from the State Bar, namely, Dan K. Edwards, of Durham. Motion was made that the action of the President be approved and further motion was made that Dan K. Edwards of Durham be designated as member of the General Statutes Commission. There were no further nominations and Dan K. Edwards was unanimously elected.

Mr. T. W. Davis called the attention of the Council to the fact that Mr. Clayton Bellamy was incapacitated due to illness and moved that he be transferred to inactive membership. Motion was adopted.

There being no further business, the Council adjourned.

Meeting of the Council of the North Carolina State Bar

October 26, 1950

The October quarterly meeting of the Council of the North Carolina State Bar was held in the Justice Building, Raleigh, October 26, 1950, with the officers and 17 members of the Council present. The minutes of the July meeting were approved and the Council heard the report

of the Executive Committee made by Mr. Jones, the Chairman. The Executive Committee recommended that members of the State Bar delinquent in their dues be given notice by registered mail by the Secretary together with statement to the effect that the Council had instructed the Secretary to appear before the several Superior Courts at a time to be set and move the Court that order be entered prohibiting the practice by the delinquent members and the Committee further recommended that two members of the Council together with the Secretary constitute a committee to work out the details of handling the matter of members delinquent in their dues. The recommendation of the Committee was adopted.

The President presented a new member of the Council, Mr. W. H. McElwee of the 17th District, replacing Mr. Kyle Hayes and advised the Council of the election of Mr. Arch K. Schoch of the 12th District replacing Mr. J. F. Spruill.

The report of the Unauthorized Practice Committee was made by Mr. Grimes, the Chairman, and the Committee recommended that the Council designate a committee to confer with the North Carolina Bankers Association's Trust Department to the end that a committee might be designated from that group to reach an agreement relative to practices of banks and trust companies. The report was adopted.

The report of the Ethics Committee was made by Judge Hastings, Chairman, and the recommendations of the Committee were adopted by the Council in construction of Canon D to the effect that judge pro tem of the county court could not represent persons charged in said court or in other courts of said county.

On report of the Membership Committee made by Mr. Banzet, Chairman, the Council approved the recommendation for relief requested in the petitions of Mark S. Dunn, of New Bern, and Reuben L. Elam, of Shelby.

The report of the Grievance Committee made by Mr. Reade, Chairman, was adopted. In said report the Grievance Committee recommended that Herman L. Taylor, attorney of Raleigh and Fayetteville, North Carolina, be tried upon charges presented to the Committee and the Council. The Council designated trial committee consisting of Messrs. Dunn, Davis and Robins. The Council considered the complaint and answer in connection with the matter of Max C. Wilson, attorney of Lenoir, and following discussion and consideration, motion was adopted that judgment be entered disbaring said Max C. Wilson from and after October 26, 1950.

The Council heard with regret of the death of a former member, Fred D. Hamrick of Rutherfordton, and R. W. Proctor was designated

to prepare suitable memorial for presentation at the next meeting of the Council.

The Council received the resignation from the Board of Law Examiners of Jeff D. Johnson, Jr., of Clinton. The Council thereupon proceeded to the election of a member of the Board to fill the vacancy created by the resignation of Mr. Johnson. Mr. John H. Hall of Elizabeth City was nominated and elected to fill the unexpired term of Mr. Johnson.

Mr. L. J. Poisson was nominated and elected as delegate to the American Bar Association. E. L. Cannon was nominated and elected Secretary-Treasurer for the ensuing year.

The Council expressed its appreciation to J. B. James of Greenville, the retiring President, for his valuable services to the Bar during his term of office.

Seventeenth Annual Meeting of the North Carolina State Bar

The Seventeenth Annual Meeting of the North Carolina State Bar was held in Raleigh on Friday, October 27, 1950, with J. Burton James, President, presiding. Approximately 400 members of the Bar attended the meetings at which the following program was presented:

PROGRAM

MORNING SESSION, 10 A.M.

J. BURTON JAMES, *President*, Greenville, Presiding

Invocation.....DR. H. C. SMITH
Pastor, Hayes Barton Methodist Church, Raleigh

Welcome.....W. G. MORDECAI
President, Wake County Bar, Raleigh

Response.....EGBERT L. HAYWOOD
Durham County Bar, Durham

Greetings from the North Carolina Bar Association
FRANCIS J. HEAZEL
President, Asheville

Address.....HON. CODY W. FOWLER
President, American Bar Association, Tampa, Florida

"Work of the Judicial Council".....ASSOCIATE JUSTICE W. A. DEVIN
Chairman, Judicial Council

Remarks:

JUDGE W. H. BOBBITT, Charlotte
JUDGE R. HUNT PARKER, Roanoke Rapids

AFTERNOON SESSION, 2:30 P.M.

"The Bar and the Crusade for Freedom" JUDGE ALLEN H. GWYN,
Reidsville

Discussion

Election of Officers

Adjournment

Following the address of Judge Gwyn, motion was made to have his address printed and sent to members of the State Bar. Mr. A. W. Sapp, Greensboro, was elected President, Mr. L. J. Poisson, Wilmington, First Vice-President, and Mr. Don A. Walser, Lexington, Second Vice-President.

Financial Report of the North Carolina State Bar and the Board of
Law Examiners for Year Ending December 31, 1949

NORTH CAROLINA STATE BAR

Raleigh, North Carolina

EXHIBIT "A"

Comparative Balance Sheet—December 31, 1949 and 1948

ASSETS

CASH:

| | December 31, 1949 | 1948 | Increase Decrease |
|-------------------------------------|----------------------|-----------|----------------------|
| First Citizens Bank & Trust Company | | | |
| Subject to Checking | \$ 110.17 | \$ 167.12 | \$ 56.95 |
| Certificates of Deposits | 3,000.00 | 3,000.00 | |

INVESTMENTS:

| | | | |
|--|----------|----------|--|
| First Federal Savings and Loan | 2,000.00 | 2,000.00 | |
|--|----------|----------|--|

FURNITURE AND FIXTURES:

| | | | |
|-------------------------------------|------------|------------|----------|
| After Reserve for Depreciation of | | | |
| \$883.17 at December 31, 1949 and | | | |
| \$767.19 at December 31, 1948 . . . | 460.28 | 526.31 | 66.03 |
| TOTAL | \$5,570.45 | \$5,693.43 | \$122.98 |

LIABILITIES

| | | | |
|-------------------------------------|------------|------------|----------|
| ACCOUNTS PAYABLE | \$ 565.12 | \$ 337.55 | \$227.57 |
| DUES COLLECTED IN ADVANCE | 50.00 | 105.00 | 55.00 |
| SURPLUS—Exhibit "C" | 4,955.33 | 5,250.88 | 295.55 |
| TOTAL | \$5,570.45 | \$5,693.43 | \$122.98 |

EXHIBIT "B"

**Condensed Statement of Cash Receipts and Disbursements for the
Year Ended December 31, 1949**

CASH BALANCE—December 31, 1948\$ 167.12

RECEIPTS:

Revenue—Exhibit "D"\$14,969.30

Less: Dues for 1949 Collected in 1948 .. 105.00

Revenue Collected for 1949 14,864.30

Add: Dues for 1950, 1951, and 1952

Collected in 1949 50.00

TOTAL RECEIPTS 14,914.30

TOTAL 15,081.42

DISBURSEMENTS:

Expenses—Exhibit "D" 15,264.85

Less: Depreciation\$115.98

Expenses Not Paid

in 1949 565.12 681.10

14,583.75

Add: 1948 Expense Paid

in 1949 337.55

Cash Invested in

Equipment 49.95 387.50

TOTAL DISBURSEMENTS 14,971.25

CASH BALANCE—December 31, 1949.....\$ 110.17

EXHIBIT "C"

Statement of Surplus for the Year Ended December 31, 1949

BALANCE—December 31, 1948\$5,250.88

Less: Excess of Expenditures Over Revenues—

Exhibit "D" 295.55

BALANCE—December 31, 1949\$4,955.33

EXHIBIT "D"

**Statement of Revenue and Expenses for the Year Ended
December 31, 1949**

REVENUES:

| | |
|---|--------------------|
| Dues Collected | \$12,458.00 |
| Law Reviews | 1,614.00 |
| Collection on Loan to Board of Law Examiners | 480.00 |
| From North Carolina Bar Association | 178.05 |
| Interest | 60.00 |
| Dividends | 50.00 |
| Refund on Printing and Supplies | 65.75 |
| Overpayment of Dues | 35.50 |
| Recovery of Bad Checks | 24.50 |
| Refund on Council Expense | 3.50 |
| TOTAL REVENUES | \$14,969.30 |

EXPENSES:

| | |
|---|------------------|
| Salaries: | |
| Secretary | 5,400.00 |
| Secretarial | 2,100.00 |
| Extra Clerical | 937.50 |
| Council Expense | 2,181.56 |
| Law Reviews | 1,616.00 |
| Committee Expense | 699.92 |
| Telephone and Telegraph | 459.57 |
| Investigations | 843.92 |
| Postage | 278.53 |
| Printing | 215.12 |
| Supplies | 116.23 |
| Audit | 125.00 |
| Depreciation | 115.98 |
| Refund to Employees on Overpayment of 1948 Withholding Tax | 93.00 |
| Refunds on Overpayment of Dues | 35.50 |
| Bond Premiums | 12.50 |
| Bank Charges | 11.84 |
| Bad Checks | 14.50 |
| Insurance | 5.00 |
| Bar Meetings | 3.18 |
| TOTAL EXPENSES | 15,264.85 |

EXCESS OF EXPENDITURES OVER REVENUES\$ 295.55

THE BOARD OF LAW EXAMINERS

Raleigh, North Carolina

EXHIBIT "E"

Comparative Balance Sheet—December 31, 1949 and 1948

ASSETS

CASH :

| | December 31, 1949 | 1948 | Increase Decrease |
|--|----------------------|-----------------|----------------------|
| First Citizens Bank and Trust Company—Exhibit "B" | \$626.66 | \$868.33 | \$241.67 |
| FURNITURE AND FIXTURES— After Reserve for Depreciation of \$15.12 at December 31, 1949 | 198.74 | 88.27 | 110.47 |
| TOTAL | <u>\$825.40</u> | <u>\$956.60</u> | <u>\$131.20</u> |

LIABILITIES

| | | | |
|-------------------|-----------------|-----------------|-----------------|
| LIABILITIES | \$ | \$ | \$ |
| SURPLUS | 825.40 | 956.60 | 131.20 |
| TOTAL | <u>\$825.40</u> | <u>\$956.60</u> | <u>\$131.20</u> |

EXHIBIT "F"

Condensed Statement of Cash Receipts and Disbursements for the
Year Ended December 31, 1949

| | | |
|---------------------------------------|-----------------|-----------------|
| CASH BALANCE—December 31, 1948 | \$ | 868.33 |
| RECEIPTS—Exhibit "H" | | 4,920.50 |
| TOTAL | | <u>5,788.83</u> |
| DISBURSEMENTS: | | |
| Expenses—Exhibit "H" | \$5,051.70 | |
| Less: Depreciation | 15.12 | |
| | <u>5,036.58</u> | |
| Add: Cash Invested in Equipment | 125.59 | |
| TOTAL CASH DISBURSEMENTS | | <u>5,162.17</u> |

| | | |
|--------------------------------------|-----------|---------------|
| CASH BALANCE—December 31, 1949 | <u>\$</u> | <u>626.66</u> |
|--------------------------------------|-----------|---------------|

EXHIBIT "G"

Statement of Surplus for the Year Ended December 31, 1949

| | |
|---|-----------------|
| BALANCE—December 31, 1948 | \$956.60 |
| Less: Excess of Expenditures Over Revenue—Exhibit "H" | 131.20 |
| BALANCE—December 31, 1949 | <u>\$825.40</u> |

EXHIBIT "H"

Statement of Revenue and Expenses for the Year Ended
December 31, 1949

REVENUES:

Bar Examination Fees:

| | |
|---------------------|------------|
| 175 @ \$23.50 | \$4,112.50 |
| 3 @ 23.00 | 69.00 |
| 2 @ 24.50 | 49.00 |
| 1 @ 25.00 | 25.00 |
| 1 @ 22.00 | 22.00 |
| 1 @ 1.50 | 1.50 |
| 2 @ .50 | 1.00 |

Registration Fees:

| | |
|--------------------|--------|
| 261 @ \$1.00 | 261.00 |
|--------------------|--------|

County Applications:

| | |
|--------------------|--------|
| 3 @ \$100.00 | 300.00 |
| 1 @ 74.50 | 74.50 |

Miscellaneous Receipts:

| | |
|---------------------------------------|------|
| Claim for Law License Destroyed | 5.00 |
|---------------------------------------|------|

TOTAL REVENUES\$4,920.50

EXPENSES:

Bar Examination and Board Meeting

| | |
|--|----------|
| Expense | 1,993.32 |
| Postage | 155.70 |
| Clerical Salaries | 422.50 |
| Refunds | 639.50 |
| Proctoring Exams | 160.00 |
| Office Supplies and Printing | 204.89 |
| Law License | 554.45 |
| Payment on Loan to North Carolina State Bar | 480.00 |
| Investigation—National Conference of | |
| Bar Examiners | 200.00 |
| Reporting | 98.90 |
| Registration of Applicants Passing Exams ... | 74.50 |
| Bond | 12.50 |
| Janitor Service | 21.00 |
| Depreciation | 15.12 |
| Bank Charges | 13.07 |
| Travel in Connection with Exam Applicants .. | 6.25 |

TOTAL EXPENSES 5,051.70

EXCESS OF EXPENSES OVER REVENUES\$ 131.20